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June 13, 2005

**VIA FACSIMILE AND REGISTERED  
MAIL, RETURN RECEIPT REQUESTED**

Ms. Barbara A. Nann, Assistant Regional Counsel  
United States Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-S)  
Superfund Division (6RC-S)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Mr. M. Gary Miller, Remedial Project Manager  
U.S. Environmental Protection Agency, Region 6  
Superfund Division (6SF-AP)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Re: Request for Conference, Unilateral Administrative Order, CERCLA Docket No. 06-05-05--Gulfco Marine Maintenance Superfund Site in Freeport Texas (the "Site")

Dear Ms. Nann and Mr. Miller:

As you know, we represent The Dow Chemical Company ("Dow"). This letter confirms The Dow Chemical Company's ("Dow") Request for a Conference under the Unilateral Administrative Order For Remedial Investigation / Feasibility Study, CERCLA Docket No. 06-05-05 (the "Unilateral Order"), as I requested today by telephone call to Ms. Barbara Nann. On June 6, 2005, Ms. Nann sent the Unilateral Order to James Morriss by electronic mail. At this time, we have not been able to confirm service of the Unilateral Order on Dow through Dow's registered agent. This is to inform you that our firm did not agree, and does not agree, to accept service of process of the Unilateral Order on behalf of Dow. By this letter, Dow does not waive service of process of the Unilateral Order.

Out of an abundance of caution, however, and due to the confusing and conflicting dates and statements in Mr. Coleman's accompanying June 6<sup>th</sup> cover letter to Mr. Morriss when compared with the Unilateral Order, pursuant to Paragraph 94, I requested, by telephone call to Ms. Nann, a conference with EPA to discuss the Unilateral Order. This letter is written confirmation of Dow's request for a conference. By making this request, Dow does not waive its ability to proceed with negotiations on the Administrative Order on Consent ("AOC") and the Statement of Work ("SOW") involving the referral of the Site to the VCP as requested by Governor Perry. Dow hereby reserves all of its rights to continue negotiations on the AOC and SOW, and does not concede that the investigation at the Site will proceed under the Unilateral Order.

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Mr. Gary Miller  
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Subject to the above reservations and statements, Dow is able to meet for the requested conference pursuant to the Unilateral Order at 10 a.m. on June 30, 2005 as stated in Mr. Coleman's June 6, 2005 cover letter to Mr. Morriss.

Very truly yours,

  
Elizabeth A. Webb

